

Examiner alleges that the inventions in Groups I and II are subcombinations disclosed as usable together in a single combination and that the invention of Group I has a separate utility as for the control of a coffeemaker and the brewing of coffee and not just the transference of information.

Group II includes three independent claims. Claim 12 is directed to a method, claim 23 is directed to an apparatus, and claim 34 is directed to a machine readable signal-bearing medium for providing data to a coffeemaker. First, applicant submits that Claims 12-22 of Group II are not distinct from Group I because the coffeemaker described in Group I performs the method described in independent claim 12 of Group II. Specifically, Claim 1 requires an apparatus having a coffeemaker, a clock with a plurality of timers, a controller, and a network interface in receipt of a plurality of timer settings that are set in the clock by the controller. Claim 12 requires receiving at a coffeemaker with a network interface a plurality of timer settings, and setting a clock with the plurality of timer settings. Thus, the coffeemaker in Group I has a network interface that performs the step of receiving a plurality of timer settings, and a controller that performs the step of setting the clock with the plurality of timer settings. Accordingly, Group I cannot be said to be distinct from method Claims in 12-22 in Group II.

Similarly, Claim 34-43 are directed to a machine readable signal-bearing medium to perform a method for operating a coffeemaker comprising steps similar to those discussed above for Claim 12. As such, Claims 34-43 are not distinct from the invention of Group I for at least the same reasons as discussed above for Claims 12-22.

In addition, claims 23-33 in Group II are apparatus claims requiring means for receiving at a coffeemaker apparatus a plurality of timer settings at a network interface and means for setting a clock with a plurality of timer settings. Accordingly, these apparatus claims are directed to the same invention as the apparatus of Claim 1 and are therefore, also not distinct.

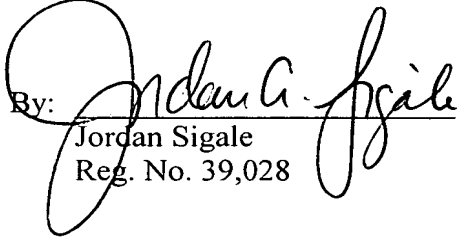
For the reasons states above, applicant requests that the restriction requirement be removed. If the examiner proceeds with the restriction, applicants reserves the right to file further divisional applications in order to adequately cover Applicants' invention. Applicant also reserves the right to petition the Commissioner to reconsider the restriction requirement after allowance of the elected claims.

Respectfully submitted,

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